



Bayer 10,019.2-REI

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Klaus-Helmut Müller et. al.  
Serial No: Reissue application of U.S. Patent 6,251,831, issued 26 June 2001  
For: Herbicidal sulphonylamino(thio)carbonyl compounds  
Art Unit: 1625  
Examiner: Patricia Morris

25 June 2003

Mail Stop REISSUE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMBINED REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY**

SIR:

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,251,831, granted 26 June 2001, and for which a reissue patent is sought on the invention entitled:

**HERBICIDAL SULPHONYLAMINO(THIO)CARBONYL COMPOUNDS**

the specification of which

  x   is attached hereto.

\_\_\_\_\_ was filed on \_\_\_\_\_ as reissue application number \_\_\_\_\_ and was amended on \_\_\_\_\_.

(if applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56. I verily believe the original patent to be wholly or partially inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- ☐ by reason of a defective specification or drawing.  
☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.  
☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

This reissue application is a broadening reissue which seeks to introduce the phrase "or a salt of the compound of formula (I)," (hereafter referred to as the "amended salt phrase") into claim 1 of U.S. Patent 6,251,831, which was inadvertently deleted from the claim language during prosecution.

The preliminary amendment of 30 December 1998 cancelled claims 1-3 and 5-10 and introduced new claim 11 which became the new independent claim; claims 1 and 11 both contained the phrase "and salts of compounds of the formula (I)" (hereafter referred to as the "original salt phrase" - The amended salt phrase has been added to promote singular-singular term agreement). The original salt phrase was maintained through the applicants' response to restriction requirement (5 May 1999) and response to the first office action (5 August 1999).

A continuing prosecution application was filed on 24 February 2000 which included a preliminary amendment which cancelled claim 11 in favor of new independent claim 17. This claim 17 inadvertently omitted the original salt phrase which had been present in claim 11. As no objection or rejection had been made by the examiner that the scope of the claimed compounds also included salt forms of the claimed compounds, this omission was made in error.

The original and amended salt phrases are supported throughout the specification (see e.g. col. 1, line 57 of U.S. Patent 6,251,831) and the original salt phrase was part of the originally filed claim 1 (see page 264, line 18) and as such does not constitute new matter. Moreover, the omission of the original/amended salt phrase resulted in the patentee claiming "less than he had a right to claim" and because the specification and originally filed claims support the "salt" phrase, the claims of '831 are partly inoperative in failing to protect against infringement all embodiments of the patentee's invention and as

such reissue is available to broaden the scope of the claims, see *Chisum on Patents*, page 15-33, Chapter 15.03[1] - see also *Ex parte Heathcock*, 134 USPQ 446 (POBA 1962) and *In re Salem*, 553 F.2d 676, 193 USPQ 513 (CCPA 1977).

The inventor(s) also hereby state that all errors corrected in this reissue application arose without any deceptive intention on the part of the applicant(s).

As a named inventor, I hereby appoint the following attorney(s) and/or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

**Kurt G. Briscoe**, Reg. No. 33,141; **Lorimer P. Brooks**, Reg. No. 15,155; **William C. Gerstenzang**, Reg. No. 27,552; **Theodore Gottlieb**, Reg. No. 42,597; **Christa Hildebrand**, Reg. No. 34,953; **David D. Kim**, Reg. No. 53,103; **Howard C. Lee**, Reg. No. 48,104; **Bruce S. Londa**, Reg. No. 33,531; and **Andrew N. Parfomak**, Reg. No. 32,431

all of Norris, McLaughlin & Marcus, P.A., 220 E. 42<sup>nd</sup> Street., 30<sup>th</sup> Floor, New York, NY 10017; and

**Robert A. Hyde**, Reg. No. 46,354; **Mark A. Montana**, Reg. No. 44,948; **William R. Robinson**, Reg. No. 27,224; and **Davy E. Zoneraich**, Reg. No. 37,267,

all of Norris, McLaughlin & Marcus, P.A., 721 Route 202-206, P.O. Box 1018, Somerville, NJ 08876.

Correspondence Address: Direct all communications about the application to:

Customer Number: 27,384

Place Customer Number Bar Code

Label Here

Firm Name:

Address:

Address:

City:

State:

Zip:



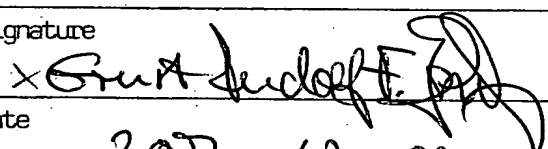

Country:

Telephone:

Fax:

## (Combined Reissue Application Declaration and Power Of Attorney)

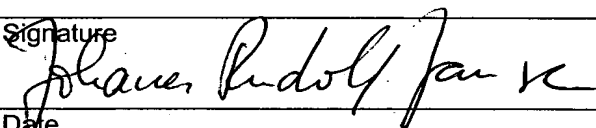
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

<b>Full name of sole or first inventor</b> Klaus-Helmut MÜLLER	Signature X 
Residence D 40593 Düsseldorf, Germany	Date 2003-09-29
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	Citizenship AUSTRIAN
<b>Full name of second joint inventor</b> Rolf KIRSTEN	Signature X 
Residence D 40789 Monheim, Germany	Date X 2003-10-01
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, GERMANY	Citizenship GERMAN
<b>Full name of third joint inventor</b> Ernst Rudolf F. GESING	Signature X 
Residence D 40699 Erkrath, Germany	Date X 2003-10-02
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of fourth joint inventor</b> Joachim KLUTH	Signature X 
Residence D 40764 Langenfeld, Germany	Date X 2003-08-30
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	Citizenship GERMAN

## (Combined Reissue Application Declaration and Power Of Attorney)

<b>Full name of fifth joint inventor</b> <b>Mark Wilhelm DREWES</b>	Signature
Residence D 40764 Langenfeld, Germany	Date
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of sixth joint inventor</b> <b>Kurt FINDEISEN</b>	Signature <i>Kurt Findeisen</i>
Residence Dünfelderstraße 28, D 51375, Leverkusen, Germany	Date 26.09.03
Post Office Address (Mailing Address) Dünfelderstraße 28, D 51375, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of seventh joint inventor</b> <b>Johannes Rudolf JANSEN</b>	Signature
Residence D 40789 Monheim, Germany	Date
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of eighth joint inventor</b> <b>Klaus KÖNIG</b>	Signature
Residence Zum Hahnenberg 40, D 51519, Odenthal, Germany	Date
Post Office Address (Mailing Address) c/o Zum Hahnenberg 40, D 51519, Odenthal, Germany	Citizenship GERMAN
<b>Full name of ninth joint inventor</b> <b>Hans-Jochem RIEBEL</b>	Signature
Residence Heimatstraße 1, D 56242, Selters, Germany	Date
Post Office Address (Mailing Address) c/o Heimatstraße 1, D 56242, Selters, Germany	Citizenship GERMAN

## (Combined Reissue Application Declaration and Power Of Attorney)

<b>Full name of fifth joint inventor</b> <b>Mark Wilhelm DREWES</b>	Signature
Residence D 40764 Langenfeld, Germany	Date
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of sixth joint inventor</b> <b>Kurt FINDEISEN</b>	Signature
Residence Dünfelderstraße 28, D 51375, Leverkusen, Germany	Date
Post Office Address (Mailing Address) Dünfelderstraße 28, D 51375, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of seventh joint inventor</b> <b>Johannes Rudolf JANSEN</b>	Signature 
Residence D 40789 Monheim, Germany	Date 2003-08-11
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of eighth joint inventor</b> <b>Klaus KÖNIG</b>	Signature
Residence Zum Hahnenberg 40, D 51519, Odenthal, Germany	Date
Post Office Address (Mailing Address) c/o Zum Hahnenberg 40, D 51519, Odenthal, Germany	Citizenship GERMAN
<b>Full name of ninth joint inventor</b> <b>Hans-Jochem RIEBEL</b>	Signature
Residence Heimatstraße 1, D 56242, Selters, Germany	Date
Post Office Address (Mailing Address) c/o Heimatstraße 1, D 56242, Selters, Germany	Citizenship GERMAN

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<b>Full name of fifth joint inventor</b> <b>Mark Wilhelm DREWES</b>	Signature
Residence D 40764 Langenfeld, Germany	Date
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of sixth joint inventor</b> <b>Kurt FINDEISEN</b>	Signature
Residence Dünfelderstraße 28, D 51375, Leverkusen, Germany	Date
Post Office Address (Mailing Address) Dünfelderstraße 28, D 51375, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of seventh joint inventor</b> <b>Johannes Rudolf JANSEN</b>	Signature
Residence D 40789 Monheim, Germany	Date
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of eighth joint inventor</b> <b>Klaus KÖNIG</b>	Signature <i>Klaus König</i>
Residence Zum Hahnenberg 40, D 51519, Odenthal, Germany	Date 23.9.2003
Post Office Address (Mailing Address) c/o Zum Hahnenberg 40, D 51519, Odenthal, Germany	Citizenship GERMAN
<b>Full name of ninth joint inventor</b> <b>Hans-Jochem RIEBEL</b>	Signature
Residence Heimatstraße 1, D 56242, Selters, Germany	Date
Post Office Address (Mailing Address) c/o Heimatstraße 1, D 56242, Selters, Germany	Citizenship GERMAN

## (Combined Reissue Application Declaration and Power Of Attorney)

<b>Full name of fifth joint inventor</b> <b>Mark Wilhelm DREWES</b>	Signature
Residence D 40764 Langenfeld, Germany	Date
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of sixth joint inventor</b> <b>Kurt FINDEISEN</b>	Signature
Residence Dünfelderstraße 28, D 51375, Leverkusen, Germany	Date
Post Office Address (Mailing Address) Dünfelderstraße 28, D 51375, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of seventh joint inventor</b> <b>Johannes Rudolf JANSEN</b>	Signature
Residence D 40789 Monheim, Germany	Date
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of eighth joint inventor</b> <b>Klaus KÖNIG</b>	Signature
Residence Zum Hahnenberg 40, D 51519, Odenthal, Germany	Date
Post Office Address (Mailing Address) c/o Zum Hahnenberg 40, D 51519, Odenthal, Germany	Citizenship GERMAN
<b>Full name of ninth joint inventor</b> <b>Hans-Jochem RIEBEL</b>	Signature <i>Hans-Jochem Ribbel</i>
Residence Heimatstraße 1, D 56242, Selters, Germany	Date <i>2003-09-25</i>
Post Office Address (Mailing Address) c/o Heimatstraße 1, D 56242, Selters, Germany	Citizenship GERMAN



## (Combined Reissue Application Declaration and Power Of Attorney)

<b>Full name of fifth joint inventor</b> <b>Mark Wilhelm DREWES</b>	<b>Signature</b> 
<b>Residence</b> D 40764 Langenfeld, Germany	<b>Date</b> 29-09-2007
<b>Post Office Address (Mailing Address)</b> c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	<b>Citizenship</b> GERMAN
<b>Full name of sixth joint inventor</b> <b>Kurt FINDEISEN</b>	<b>Signature</b>
<b>Residence</b> Dünfelderstraße 28, D 51375, Leverkusen, Germany	<b>Date</b>
<b>Post Office Address (Mailing Address)</b> Dünfelderstraße 28, D 51375, Leverkusen, Germany	<b>Citizenship</b> GERMAN
<b>Full name of seventh joint inventor</b> <b>Johannes Rudolf JANSEN</b>	<b>Signature</b>
<b>Residence</b> D 40789 Monheim, Germany	<b>Date</b>
<b>Post Office Address (Mailing Address)</b> c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	<b>Citizenship</b> GERMAN
<b>Full name of eighth joint inventor</b> <b>Klaus KÖNIG</b>	<b>Signature</b>
<b>Residence</b> Zum Hahnenberg 40, D 51519, Odenthal, Germany	<b>Date</b>
<b>Post Office Address (Mailing Address)</b> c/o Zum Hahnenberg 40, D 51519, Odenthal, Germany	<b>Citizenship</b> GERMAN
<b>Full name of ninth joint inventor</b> <b>Hans-Jochem RIEBEL</b>	<b>Signature</b>
<b>Residence</b> Heimatstraße 1, D 56242, Selters, Germany	<b>Date</b>
<b>Post Office Address (Mailing Address)</b> c/o Heimatstraße 1, D 56242, Selters, Germany	<b>Citizenship</b> GERMAN

(Combined Reissue Application Declaration and Power Of Attorney)

<b>Full name of tenth joint inventor</b> <b>Otto SCHALLNER</b>	Signature <i>Ot Schallner</i>
Residence D 40789 Monheim, Germany	Date <i>4. August 2003</i>
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of eleventh joint inventor</b> <b>Markus DOLLINGER</b>	Signature <i>Markus Dollinger</i>
Residence D 51381 Leverkusen, Germany	Date <i>August 14. 2003</i>
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	Citizenship GERMAN
<b>Full name of twelfth joint inventor</b> <b>Hans-Joachim SANTEL</b>	Signature <i>Hans-Joachim Santel</i>
Residence D 51371 Leverkusen, Germany	Date <i>September 1, 2003</i>
Post Office Address (Mailing Address) c/o Bayer CropScience AG, D 51368, Leverkusen, Germany	Citizenship GERMAN

# Bayer CropScience

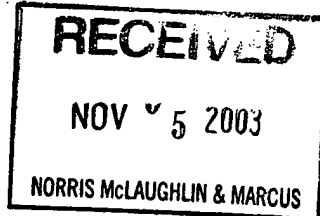
Fax-No.: 0-001-212 808 0844

Norris, McLaughlin & Marcus, P.A.

Attn.: Mr. Lee

220 East 42<sup>nd</sup> Street, 30<sup>th</sup> Floor  
New York, New York 10017

U S A



Bayer CropScience AG

Law and Patents  
Patents and Licensing  
Kaiser-Wilhelm-Allee  
Building Q 18  
51373 Leverkusen, Germany

Dr. Lutze  
Tel.: +49 (214) 30-28663  
Fax: +49 (214) 30-53482  
E-Mail:  
Oliver.Lutze@  
bayercropscience.com

Le A 31 192-US-02-Reissue

Lu/HB

Leverkusen, 2003-11-05

Your Ref.: Bayer 10.019-Rei

Your letter: November 05, 2003

## Reissue of Patent No. U.S. 6,251,831

Dear Mr. Lee:

Enclosed please find the signed consent decree of our Dr. Bader.

Sincerely yours,

Bayer CropScience AG

A handwritten signature in dark ink, appearing to read "i.V. Lutze".

(i.V. Dr. Lutze)

Patents and Licensing

Enclosure

Bayer 10,019.2-Rei  
100717-800  
Le A 31 192 US-Reissue

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : MÜller et al.  
SERIAL NO. : 10/603,997 (Reissue of U.S. Patent 6,251,831)  
FILED : 25 June 2003  
FOR : HERBICIDAL SULPHONYLAMINO(THIO)CARBONYL COMPOUNDS  
ART UNIT : 1625  
EXAMINER : Patricia Morris

5 November 2003

Mail Stop: REISSUE  
Hon. Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CONSENT OF ASSIGNEE UNDER 37 CFR 1.172**

SIR:

The assignee for this application, Bayer Aktiengesellschaft, a German corporation, hereby consent to the filing of the reissue application for our U.S. Patent 6,251,831. Attached to this paper is a Statement Under 37 CFR 3.73(b) that we are the sole assignee for this patent.

5.11.2003

Date

+49 214 61192

Telephone number

Dr. Axel Bader or Dr. R.R. Jesse

Typed or printed name

  
Signature

Company Secretary

Title

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: \_\_\_\_\_

Application No./Patent No.: 6,251,831 Filed/Issue Date: June 26, 2001

Entitled: Herbicidal Sulphonylamino(thio)carbonyl Compounds

Bayer Aktiengesellschaft, a

German Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
In the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 9213, Frame 0736, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

16.10.2003

Date

+49 214 61192

Telephone number

Dr. Axel Bader Dr. R.R. Jesse

typed or printed name

[Signature]

Signature

Company Secretary

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.